

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: DIGITEK PRODUCTS**  
**LIABILITY LITIGATION**

Felecia Beasley, etc. v. Actavis Group hf, et al.,	)	
M.D. Alabama, C.A. No. 2:10-375	)	MDL No. 1968
Stephen Yarbrough, et al. v. Actavis Totowa, LLC, et al.,	)	
S.D. Georgia, C.A. No. 4:10-129	)	

**TRANSFER ORDER**

**Before the entire Panel:** Plaintiff in the Middle District of Alabama action and the pharmacy defendants<sup>1</sup> in the Southern District of Georgia action move, pursuant to former Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001),<sup>2</sup> asking the Panel to vacate its orders conditionally transferring their respective actions to the Southern District of West Virginia for inclusion in MDL No. 1968. Responding Actavis and Mylan parties<sup>3</sup> oppose the motion.

After considering all argument of counsel, we find that these actions involve common questions of fact with actions in this litigation previously transferred to the Southern District of West Virginia, and that transfer of the actions to the Southern District of West Virginia for inclusion in MDL No. 1968 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. We further find that transfer of these actions is warranted for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Southern District of West Virginia was an appropriate Section 1407 forum for actions involving claims relating to the manufacture and sale of allegedly adulterated Digitek. *See In re Digitek Prods. Liab. Litig.*, 571 F.Supp.2d 1376 (J.P.M.L. 2008).

The transferee judge can rule upon the pending jurisdictional objections. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F.Supp.2d

---

<sup>1</sup> Guardian Pharmacies, LLC; Guardian Pharmacy of Southeast Georgia, LLC; and Senior Care Pharmacy of Statesboro.

<sup>2</sup> Amended Panel Rules became effective on October 4, 2010.

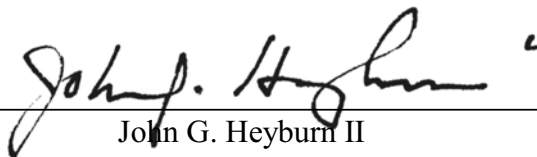
<sup>3</sup> Actavis Totowa, LLC ; Actavis, Inc.; Actavis Elizabeth LLC; Mylan, Inc.; Mylan Pharmaceuticals, Inc.; and UDL Laboratories, Inc.

- 2 -

1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Southern District of West Virginia and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

PANEL ON MULTIDISTRICT LITIGATION

  
\_\_\_\_\_  
John G. Heyburn II  
Chairman

Robert L. Miller, Jr.  
David R. Hansen  
Frank C. Damrell, Jr.

Kathryn H. Vratil  
W. Royal Furgeson, Jr.  
Barbara S. Jones